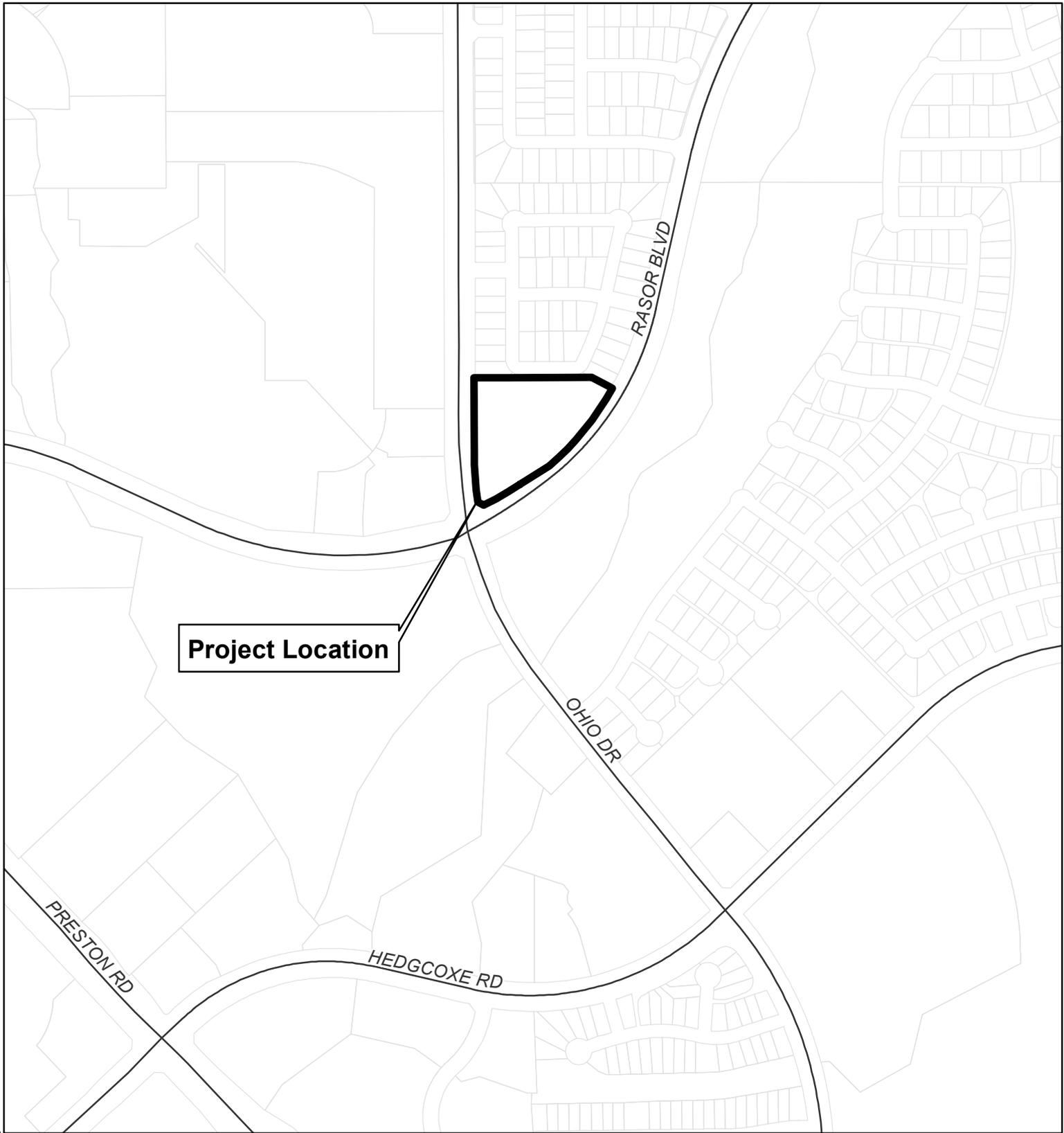


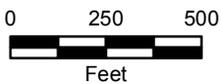


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	6/13/2016			
Department:	Engineering			
Department Head	Caleb Thornhill			
Project	Plano Office Suites, Proj #6472			
Agenda Coordinator (include phone #): Kathleen Schonne X-7198				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain 30' Drainage Easement, situated in the Collin County School Land Survey, Abstract No. 7, Collin County, Texas, being in a tract of land conveyed to Yeager Office Suites of Plano, LP, as recorded in Instrument No. 20140701000679680, being all of that certain 30' Drainage Easement recorded in Instrument No. 20111026002250680, and which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, Yeager Office Suites of Plano, LP, the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this Easement relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>				
SUMMARY OF ITEM				
<p>An underground storm drainage system has been constructed to replace the existing open channel drainage ditch, therefore, the drainage easement is no longer needed.</p> <p>https://www.google.com/maps/place/Rasor+Blvd,+Plano,+TX+75024/@33.0887519,-96.7963631,18.22z/data=!4m2!3m1!1s0x864c3cdc27a0f0dd:0x2bb0e7bd27222193</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	

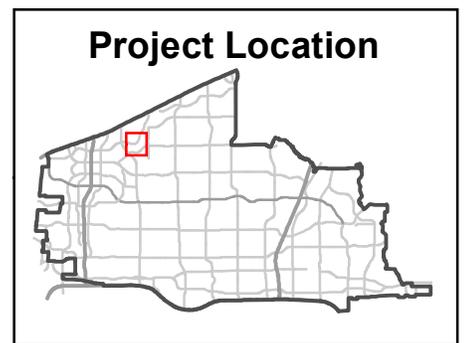


georgetau.c:\Projects\Engineering\Locator\maps\2016\05-17-16_Project 6472 Office Suites\Plano Office Suites.mxd



City of Plano GIS Division
May, 2016

Plano Office Suites Lot 1, Block A Project # 6472



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain 30' Drainage Easement, situated in the Collin County School Land Survey, Abstract No. 7, Collin County, Texas, being in a tract of land conveyed to Yeager Office Suites of Plano, LP, as recorded in Instrument No. 20140701000679680, being all of that certain 30' Drainage Easement recorded in Instrument No. 20111026002250680, and which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, Yeager Office Suites of Plano, LP, the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to a portion of that certain 30' Drainage Easement, situated in the Collin County School Land Survey, Abstract No. 7, Collin County, Texas, being in a tract of land conveyed to Yeager Office Suites of Plano, LP, as recorded in Instrument No. 20140701000679680, being all of that certain 30' Drainage Easement recorded in Instrument No. 20111026002250680 (hereinafter called "Easement") which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

WHEREAS, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the owner of the property underlying the Easement; and has advised that the Easement should be abandoned.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. All the right, title and interest of the City of Plano, Texas, in and to the Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement is hereby quitclaimed to the owner of the property underlying the easement, in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easement by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easement. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easement.

Section III. The City Council hereby finds and determines that the abandonment of the Easement is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

Section IV. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of June, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[Drainage Easement]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting an existing 30' Drainage Easement (C.C. NO. 20111026001150680) (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:
THE EASEMENT IS NO LONGER NEEDED AS AN UNDERGROUND STORM DRAINAGE SYSTEM HAS BEEN CONSTRUCTED TO REPLACE THE EXISTING OPEN CHANNEL DRAINAGE DITCH. A POSITIVE OVERFLOW EASEMENT WILL BE DEDICATED THROUGH THIS SITE AS WELL.
2. The following public interest will be served as a result of the abandonment:
THE EXISTING OPEN CHANNEL DRAINAGE DITCH AND ASSOCIATED EASEMENT HAS BEEN REPLACED WITH AN UNDERGROUND STORM SYSTEM AND NEW CORRESPONDING EASEMENT.
3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.
5. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.**

6. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

YEAGER OFFICE SUITES OF PLANO, LP – 100%

7. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "B".

[Remainder of page blank]

8. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Yeager Office Suites of Plano, LP

Typed Name of Owner

23 S. 8th Street

Address

Noblesville, Indiana 46060

City, State and Zip

Dated: 6-2-16



Signature of Owner

Contact Person for Property Owners:

Name: Todd Yeager

Phone No: 317-716-4831

**30' DRAINAGE EASEMENT ABANDONMENT
EXHIBIT "A-1"**

BEING a 30' DRAINAGE EASEMENT ABANDONMENT situated in the Collin County School Land Survey, Abstract No. 7, City of Plano, Collin County, Texas, being in a tract of land conveyed to Yeager Office Suites of Plano, LP as recorded in Instrument No. 20140701000679680, being all of that certain 30' Drainage Easement recorded in Instrument No. 20111026001150680, and being more particularly described as follows:

BEGINNING at a point in the north line of said Yeager Office Suites of Plano, LP tract, said point being $S89^{\circ}40'53''W$, 34.28 feet from a $\frac{1}{2}$ " capped iron found at the northeast end of said tract;

THENCE $S00^{\circ}17'07''E$, leaving the north line of said tract, a distance of 206.17 feet to a point in the northwest line of Rasor Boulevard, (a 115' R.O.W. at this point), said point being the beginning of a non-tangent curve to the right having a central angle of $09^{\circ}28'05''$, a radius of 1091.33 feet, a tangent length of 90.38 feet, and a chord bearing $S44^{\circ}14'23''W$, 180.14 feet;

THENCE in a southwesterly direction along said curve to the right, and with the northwest line of Rasor Boulevard, an arc distance of 180.34 feet to a $\frac{1}{2}$ " capped iron found and the end of said curve;

THENCE $S58^{\circ}04'32''W$, with the northwest line of Rasor Boulevard, a distance of 67.53 feet to a point;

THENCE $N31^{\circ}55'28''W$, leaving Rasor Boulevard, a distance of 30.00 feet to a point;

THENCE $N58^{\circ}04'32''E$, a distance of 65.13 feet to the beginning of a non-tangent curve to the left having a central angle of $08^{\circ}45'27''$, a radius of 1061.33 feet, a tangent length of 81.27 feet, and a chord bearing $N44^{\circ}28'02''E$, 162.06 feet;

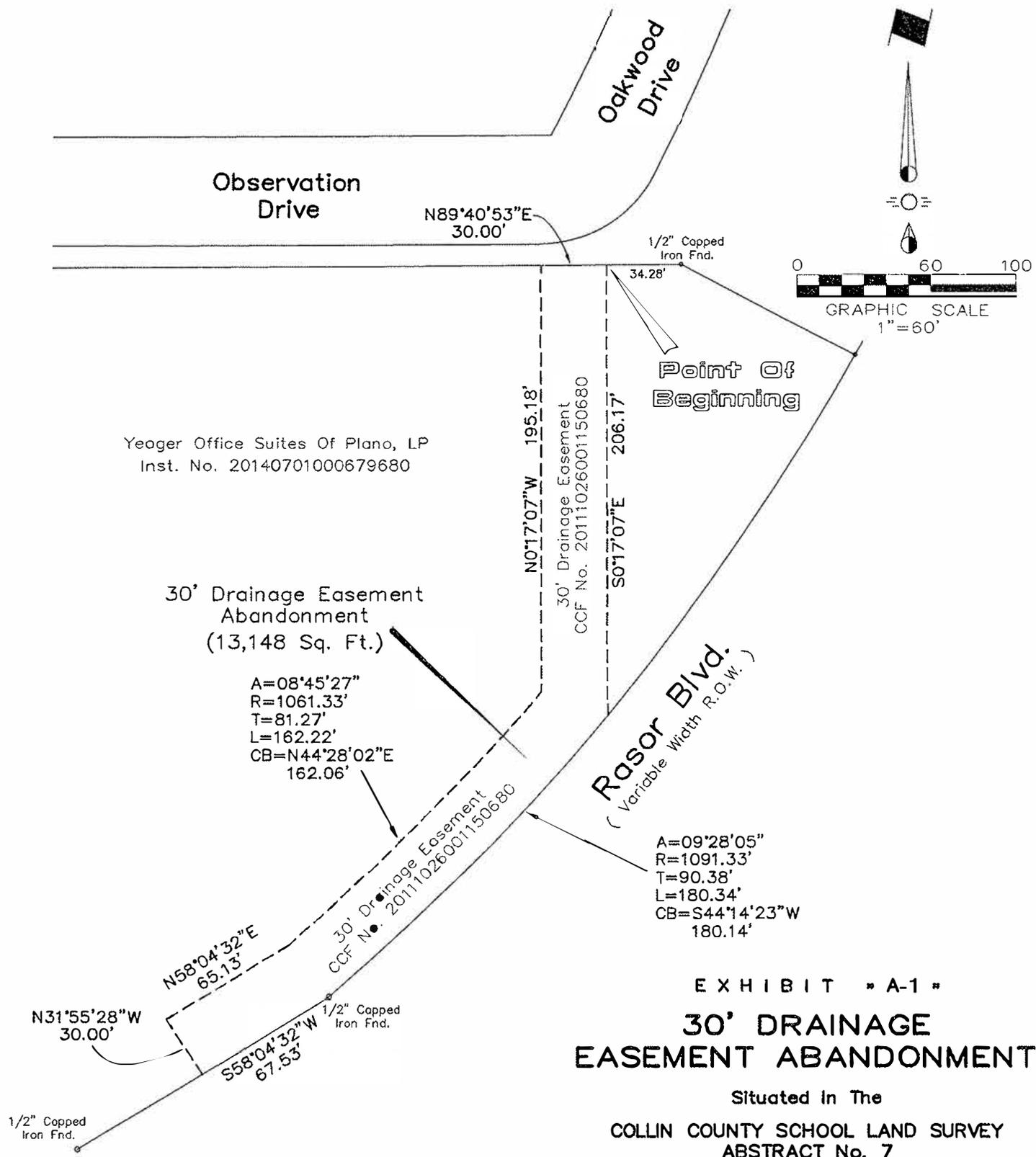
THENCE in a northeasterly direction along said curve to the left, an arc distance of 162.22 feet to the end of said curve;

THENCE $N00^{\circ}17'07''W$, a distance of 195.18 feet to a point aforementioned north line of the Yeager Office Suites of Plano, LP tract;

THENCE $N89^{\circ}40'53''E$, with the north line of said tract, a distance of 30.00 feet to the POINT OF BEGINNING and CONTAINING 13,148 square feet of land.


Mackie Klingbeil
R.P.L.S. No. 3957





Yeoger Office Suites Of Plano, LP
Inst. No. 20140701000679680

30' Drainage Easement Abandonment
(13,148 Sq. Ft.)

A=08°45'27"
R=1061.33'
T=81.27'
L=162.22'
CB=N44°28'02"E
162.06'

A=09°28'05"
R=1091.33'
T=90.38'
L=180.34'
CB=S44°14'23"W
180.14'

EXHIBIT "A-1"
30' DRAINAGE EASEMENT ABANDONMENT

Situated In The
**COLLIN COUNTY SCHOOL LAND SURVEY
ABSTRACT No. 7
PLANO, COLLIN COUNTY, TEXAS**

Surveyor
RLK Engineering, Inc.
Texas Registration No. 579
111 West Main Street
Allen, Texas 75013
Telephone 972 359-1733
Scale 1"=60' April 1, 2016

BASIS OF BEARINGS:

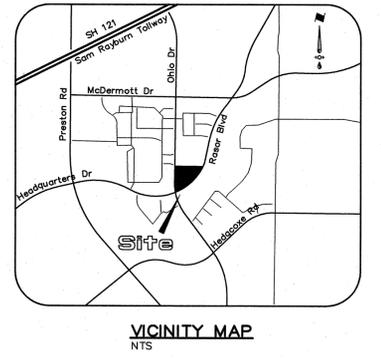
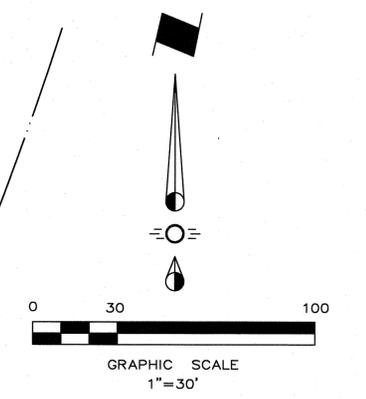
Bearings are based on Texas State Plane Coordinates NAD 83, North Central Zone, as established by GPS Method using Western Data RTK Network.

The Lincoln At Towne Square Addn. Phase II
 Lot 3, Block A
 Cab. 2008, Pg. 690

The Lincoln At Towne Square Addn.
 Lot SR, Block A
 Cab. 2012, Pg. 411

The Lincoln At Towne Square Addn.
 Lot 4R, Block A
 Cab. 2009, Pg. 36

Beverly Hills Estates
 Cab. 2012, Pg. 223
 Block D

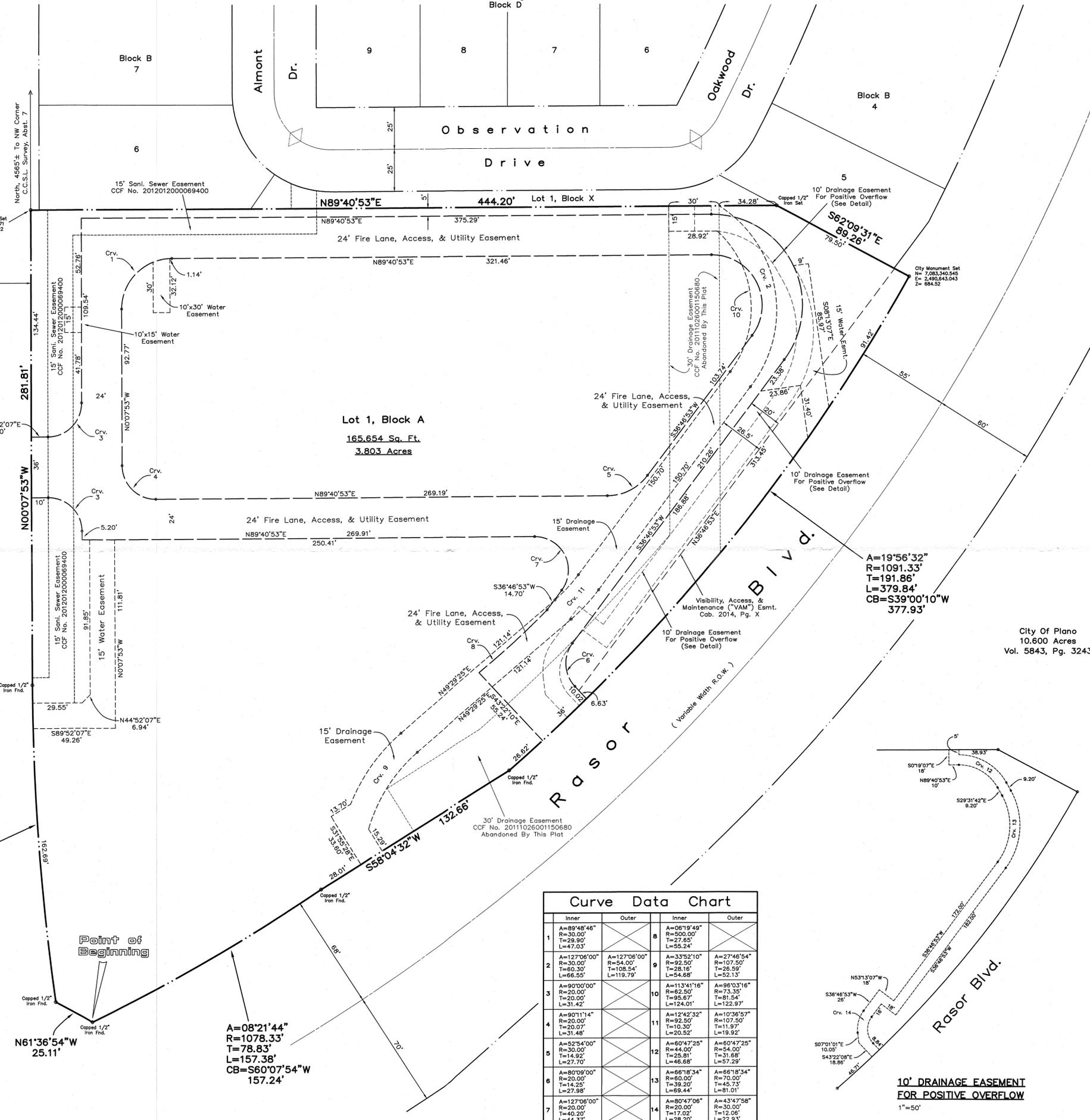


Ohio Drive
 (110' R.O.W.)

Almont Dr.

Oakwood Dr.

Rasor Blvd.



A=08°01'12"
 R=1345.00'
 T=94.29'
 L=188.27'
 CB=N04°08'29"W
 188.12'

A=08°21'44"
 R=1078.33'
 T=78.83'
 L=157.38'
 CB=S60°07'54"W
 157.24'

A=19°56'32"
 R=1091.33'
 T=191.86'
 L=379.84'
 CB=S39°00'10"W
 377.93'

City Of Plano
 10.600 Acres
 Vol. 5843, Pg. 3243

RECEIVED
 JAN 14 2015
 PLANNING DEPT.

APPROVED
 Subject to
 JAN 20 2015
 CITY OF PLANO
 P & Z COMMISSION

EXPIRES
 2017
 JAN 20 2015
 City of Plano

SHEET 1 OF 2
 PRELIMINARY PLAT

PLANO
 OFFICE SUITES
 LOT 1, BLOCK A
 3.803 Acres Situated In The
 COLLIN COUNTY SCHOOL LAND SURVEY
 ABSTRACT No. 7
 PLANO, COLLIN COUNTY, TEXAS

Owner
 Yeager Office Suites Of Plano, LP
 Attn: Scott J. Yeager
 23 S. 8th Street
 Noblesville, IN 46060
 Telephone 317 770-7380

Engineer
 RLK Engineering, Inc.
 Texas Registration No. 579
 Attn: Seth Kelly
 111 West Main Street
 Allen, Texas 75013
 Telephone 972 359-1733

Surveyor
 Surdukan Surveying, Inc.
 Firm No. 10069500
 Attn: David Surdukan
 PO Box 126
 Anna, Texas 75409
 Telephone 972 924-8200
 December 29, 2014

Curve Data Chart			
Inner	Outer	Inner	Outer
1 A=89°48'46" R=30.00' T=29.90' L=47.03'		8 A=06°19'49" R=500.00' T=27.65' L=55.24'	
2 A=127°06'00" R=30.00' T=60.30' L=66.55'	A=127°06'00" R=54.00' T=108.54' L=119.79'	9 A=33°52'10" R=92.50' T=28.16' L=54.68'	A=27°48'54" R=107.50' T=26.59' L=52.13'
A=90°00'00" R=20.00' T=20.00' L=31.42'		10 A=113°41'16" R=62.50' T=95.67' L=124.01'	A=96°03'16" R=73.35' T=81.54' L=122.97'
A=90°11'14" R=20.00' T=20.07' L=31.48'		11 A=12°42'32" R=10.30' T=10.30' L=20.52'	A=10°38'57" R=107.50' T=11.97' L=19.92'
A=52°54'00" R=30.00' T=14.92' L=27.70'		12 A=60°47'25" R=44.00' T=25.91' L=46.68'	A=60°47'25" R=54.00' T=31.68' L=57.29'
A=80°09'00" R=20.00' T=14.23' L=27.98'		13 A=66°18'34" R=20.00' T=19.20' L=69.44'	A=66°18'34" R=26.00' T=12.73' L=81.01'
A=127°06'00" R=20.00' T=40.20' L=44.37'		14 A=80°47'08" R=20.00' T=17.02' L=28.20'	A=43°47'58" R=30.00' T=12.08' L=22.93'

NOTE: 1" Iron Pins Shall Be Set At All Block Corners, P.C.'s, P.T.'s, And Angle Points. 1/2" Iron Pins Shall Be Set At All Other Lot Corners.

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.

Exhibit "B"